Government of Kerala
1984

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 7900/LA4A/84. *Dated, Trivandrum, 23rd July, 1984.*

The Kerala Fishermen's Welfare Fund Bill, 1984 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

K. P. Padmanabhan,
Secretary,
Legislative Assembly.

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33/3133/MC.

Seventh Kerala Legislative Assembly

Bill No. 125

THE KERALA FISHERMEN'S WELFARE FUND BILL, 1984

A

BILL

to provide for the constitution of a welfare fund for promoting the welfare of fishermen in the State of Kerala and for matters incidental thereto.

Preamble.—WHEREAS it is expedient to provide for the constitution of a welfare fund for promotion of the welfare of fishermen in the State of Kerala and for certain other matters incidental thereto;

BE it enacted in the Thirty-fifth Year of the Republic of India as follows:-

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Fishermen's Welfare Fund Act, 1984.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Board" means the Kerala Fishermen's Welfare Fund Board constituted under section 7;

(b) "Contribution" means the sum of money payable to the fund under section 4;

(c) "Director of Fisheries" means the Director of Fisheries for the State of Kerala;

(d) "dealer" means any person who carries on within the State of Kerala the business of,—

(i) buying and selling fish; or

(ii) processing fish for export or domestic marketing;

(e) "Fisheries Officer" means the Fisheries Officer appointed under clause (d) of section 2 of the Kerala Fishermen Welfare Societies Act, 1980 (7 of 1981);

(f) "fishermen" means a fishermen as defined in clause (e) of section 2 of the Kerala Fishermen Welfare Societies Act, 1980 (7 of 1981);

(g) "fishing veessel" means a ship or boat, whether or not fitted with mechanical means of propulsion, which is engaged in fishing for profit and includes,—

(i) a catamaran,

(ii) a country craft, and

(iii) a canoe,

engaged in fishing;

(h) "fund" means the Kerala Fishermen's Welfare Fund established under section 3 and the scheme;

(i) "member" means a member of the fund;

(j) "scheme" means the Kerala Fishemen's Welfare Fund Scheme framed under this Act;

(k) "schedule" means the schedule to this Act.

3. *Fishermen's Welfare Fund Scheme.*—(1) The Government may, by notification in the Gazette, frame a scheme to be called the Kerala Fishermen's Welfare Fund Scheme for the establishment of a fund under this Act by name "the Fishermen's Welfare Fund" for the welfare of fishermen and there shall be established, as soon as may be after the framing of the scheme, the fund in accordance with the provisions of this Act and scheme.

(2) There shall be credited to the fund,—

(a) the contributions specified in section 4;

(b) fee levied under the scheme;

(c) damages realised under section 21;

(d) grants or loans or advances made by the Government of India or the State Government;

(e) any voluntary donations;

(f) any penalty levied under the provisions of the Kerala Marine Fishing Regulation Act, 1980 (10 of 1981);

(g) any amount raised by the Board from other sources to augment the resources of the Board.

(3) The fund shall vest in and be administered by the Board.

(4) The fund may be utilised for all or any of the following purposes namely:—

(a) to provide for distress relief to fihsermen in times of natural calamities;

(b) for payment of financial assistance to fishermen who suffer permanent or temporary disablement;

(c) for payment of loans to fishermen to meet the expenses for the marriage of children, or expenses in connection with disease or death of dependants, or any unexpected expenditure or the day to day expenditure during lean months;

(d) to provide for the fishermen and the members of their families,—

(i) education, vocational training and part-time employment,

(ii) social education centres including reading rooms and libraries

(iii) sports, games and medical facilities,

(iv) nutritious food for children, and

(v) employment opportunities to the handicapped;

(e) for payment of financial assistance to fishermen who suffer loss of houses or fishing implements or any other damage due to natural calamities or other unexpected causes;

(f) to provide old age assistance to fishermen;

(g) for the implementation of any other purpose specified in the scheme.

(5) Every fisherman who is a member of a Fishermen's Welfare Society constituted under section 4 of the Kerala Fishermen Welfare Societies Act, 1980 (7 of 1981), shall be a member of the fund.

(6) Subject to the provisions of this Act, the scheme framed under sub-section (1) may provide for all or any of the matters specified in sub-section (4) and in the schedule.

4. *Contribution to the Fund.*—(1) A fisherman shall contribute to the fund five percent of the value of fish caught by him during a year:

Provided that the contribution by a fisherman for a period of three years from the commencement of the Act shall be at the rate of Rs. 45 per year.

(2) A dealer shall contribute every year to the fund one percent of his sale proceeds in the year:

Provided that the Board shall fix, upon such principles as may be specified in the scheme, the amount which a dealer shall contribute every year to the fund, for a period of three years from the commencement of this Act:

Provided further that the amount fixed under the preceding proviso shall not exceed one percent of the sale proceeds of the dealer.

(3) The owner of a fishing vessel shall contribute to the fund every year an amount calculated at the following rates, namely:—

(a) traditional craft,—

(i)	Catamaran (non-motorised)	— Re. 1 per month per catamaran for nine months
	Catamaran (motorised)	— Rs. 2 per month per catamaran for nine months.
(ii)	Country craft upto 9 metre size (non-motorised)	— Rs. 3 per month per country craft for nine months.
	Country craft upto 9 metre size (motorised)	— Rs. 5 per month per country craft for nine months.
(iii)	Canoe above 9 metre size (non-motorised)	— R.s 5 per month per canoe for nine months.
	Canoe above 9 metre size (motorised)	— Rs. 7 per month per canoe for nine months.
(b)	Mechanised boat below 25 GRT	— Rs. 100 per month per boat for nine months.
(c)	Mechanised boat of 25 GRT and above upto 35 GRT	— Rs. 200 per month per boat for nine months.
(d)	Mechanised boat of above 35 GRT	— Rs. 300 per month per boat for nine months.

(4) The contributions shall be paid to the Fisheries Officer or to any officer of the Board authorised by the Board in this behalf.

(5) The amount of contribution shall be rounded off to the nearest rupee and, where such amount contains part of a rupee consisting of paise, then, if such part is fifty paise or more, it shall be increased to one rupee and if such part is less than fifty paise, it shall be ignored.

5. *Amount to be accounted to the credit of each member.*—Each member shall be entitled to such amount in the fund as may be fixed in accordance with the formula specified in the scheme and entered in the accounts of the fund to his credit.

6. *Modifications of Scheme.*—The Government may, by notification in the Gazette add to, amend or vary the scheme.

7. *Constitution of Board.*—(1) The Government may, by notification in the Gazette, constitute with effect from such date as may be specified therein, a Board to be called the Kerala Fishermen's Welfare Fund Board for the administration of the fund and to superwise and to carry out the activities financed from the fund.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Board shall consist of the following members, namely,—

(a) Secretary to Government in charge of fisheries, who shall be the Chairman of the Board;

(b) the Director of Fisheries;

(c) The Chairman and Managing Director of the Kerala State Co-operative Federation for Fisheries Development;

(d) a representative of the Finance Department to be nominated by the Government; and

(e) two representatives of the fishermen to be nominated by the Government.

(4) The Board shall administer the fund in such manner as may be specified in the scheme.

(5) The Board may, with the previous approval of the Government, delegate to the Director of Fisheries or to the Managing Director of the Kerala State Co-operative Federation for Fisheries Development or to any officer of the Government or of the Board, such of its powers and functions under this Act or the scheme as it may consider necessary for the efficient administration of the fund, subject to such restrictions and conditions, if any, as it may specify.

8. *Power of the Board to borrow.*—The Board may, from time to time, with the previous approval of the Government and subject to such terms and conditions as may be specified by the Government, borrow money for the purposes of the scheme.

9. *Term of office of non-official members.*—(1) A member nominated under clause (e) of sub-section (3) of section 7 shall hold office for a term of three years from the date of his nomination, and shall be eligible for renomination.

(2) Any nominated member may resign his membership by giving notice in writing to the Government but shall continue in office until his resignation is accepted by the Government.

10. *Removal of non-official members.*—(1) The Government may, by notification in the Gazette, remove any non-official member of the Board from office,—

(a) if he has, without the permission of the Board been absent from the meetings of the Board for any period exceeding three consecutive months or if within the said period, less than three meetings have been held, he absents himself from three consecutive meetings;

(b) if he, in the opinion of the Government, is unsuitable or has become incapable of acting as a member or has so abused his position as a member as to render his continuance as such member detrimental to the public interest:

Provided that before removing a member under this sub-section, he shall be given a reasonable opportunity to show cause why he should not be removed.

(2) A non-official member of the Board removed under clause (a) of sub-section (1) shall be disqualified for nomination as a member of the Board for a period of three years from the date of his removal unless otherwise ordered by the Government.

(3) A non-official member of the Board removed under clause (b) of sub-section (1) shall not be eligible for renomination until he is declared by an order of the Government to be no longer ineligible.

11. *Appointment of staff.*—(1) The Board may, with the previous approval of the Government, appoint such staff as it may consider necessary.

(2) The method of recruitment, salary and allowances and other conditions of service of the staff appointed by the Board shall be such as may be specified by the Board with the previous approval of the Government.

12. *Determination of amounts due from fishermen, dealers, and owners of fishing vessels.*—(1) The Fisheries Officer or any officer of the Board not below the rank of a Sub Inspector of Fisheries authorised by the Board in this behalf may, after making such inquiry as may be necessary and after giving the fisherman or dealer or owner of a fishing vessel, as the case may be, an opportunity to be heard, by order, determine the amount due from any fisherman, or dealer or owner of a fishing vessel.

(2) The officer conducting the inquiry under sub-section (1) shall, for the purposes of such inquiry, have the same powers as are vested in a civil court, while trying a suit, under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

(a) enforcing the attendance of any person or examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavit;

(d) issuing commissions for the examination of witnesses.

(3) Any inquiry under this section shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purpose of section 196 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

(4) Any person aggrieved by an order under sub-section (1) may prefer an appeal to the Director of Fisheries within sixty days from the date of receipt of the order and the decision of the Director of Fisheries on such order shall be final.

13. *Provisional assessment and collection of advance contribution.*—(1) Every fisherman or dealer or owner of a fishing vessel, as the case may be, shall, pending determination under section 12 of the amount due from him, pay every month by way of advance contribution an amount equivalent to one-twelfth of the amount payable annually by him according to the latest determination under the said section:

Provided that the provision of this sub-section shall not apply to the payment of contribution by a fisherman or a dealer for the period of three years from the commencement of this Act under the proviso to sub-section (1) or sub-section (2) of section 4, as the case may be.

(2) The advance contribution for a month shall become payable on or before the 5th day of the succeeding month.

(3) Where the advance contribution is not paid on or before the due date, the Fisheries Officer or any Officer of the Board authorised by it in this behalf, shall issue a notice to the defaulter showing the amount of arrears, and if the amount is not paid within seven days of the receipt of such notice, it may be recovered in the same manner as arrears of public revenue due on land under the Revenue Recovery Act for the time being in force.

(4) The amount paid under this section for an year shall be adjusted against the amount determined under section 12 for that year.

14. *Exemption.*—Government may by notification in the Gazette, exempt any dealer, whose annual turnover from fish does not exceed Rs. 24000 per annum from all or any of the provisions of this Act, subject to such condition as may be specified in the notification.

15. *Power to obtain copies of records etc., maintained by a Fisnermen's Welfare Society.*—(1) Any officer of the Board not below the rank of a Fisheries Development Officer authorised by it in that behalf shall have power to peruse the books or registers or other records maintained by a Fishermen's Welfare Society constituted under the Kerala Fishermen Welfare Societies Act, 1980 (7 of 1981) or to requisition the supply of a copy of any such book or register or other record or of any entry therein as may be specified in such requisition.

(2) The Fisheries Officer shall provide all facilities for the perusal of any book or register or other records by an officer under sub-section (1) and shall comply with any requisition made under that sub-section.

16. *Mode of recovery of money due from fishermen or dealer or owner of fishing vessel.*—Any amount due from a fisherman or dealer or owner of a fishing vessel under the provisions of this Act or the scheme may be recovered in the same manner as an arrear of public revenue due on land under the Revenue Recovery Act for the time being in force.

17. *Protection against attachment.*— (1) The amount standing to the credit of any member in the fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the member and no receiver appointed under the Insolvency Act, 1955 (2 of 1956), shall be entitled to, or have any claim on, any such amount.

(2) Any amount standing to the credit of a member in the fund at the time of his death and payable to his nominee under the scheme shall, subject to any deduction authorised by the scheme, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or the nominee before the death of the member.

18. *Priority of payment of contributions over other debt.*—Where any fisherman or dealer or owner of a fishing vessel, as the case may be, is adjudicated insolvent or, in case where the dealer or owner of a fishing vessel is a company, an order for winding up is made, the amount due from the fisherman or dealer or owner of a fishing vessel, as the case may be, under the scheme shall, where the liability therefor has accrued before the order of adjudication or winding up is made, be deemed to be included among the debts which under section 64 of the Insolvency Act, 1955 (2 of 1956) or under section 530 of the Companies Act, 1956 (Central Act 1 of 1956) are to be paid in priority to all other debts in the distribution of the property of the insolvent or the assets of the company being wound up, as the case may be.

19. *Penalty.*—(1) Whoever for the purpose of avoiding any payment to be made by himself under this Act or under the scheme or for enabling any other person to avoid such payment knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

(2) Whoever contravenes or makes default in complying with any of provisions of this Act or of the scheme shall, if no other penalty is elsewhere provided by or under this Act for such contravention or non-compliance, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

(3) No court shall take cognisance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made with the previous sanction of the Board, by the Director of Fisheries or by the Managing Director of the Kerala State Co-operative Federation for Fisheries Development or by such officer of the Board or Department of Fisheries not below the rank of Assistant Director of Fisheries, as may be specified in this behalf by the Board.

20. *Offences by Companies.*— (1) If the person committing an offence under this Act is a company, every officer of the company who is in default as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that in any proceeding against an officer of the company in respect of an offence under this Act it appears to the court hearing the case that the offence is not attributable to the negligence, default, breach of duty, misfeasance or breach of trust committed by the officer, but that he has acted honestly and reasonably and that having regard to all the circumstances of the case, including those connected with his appointment, he ought fairly to be excused, the court may relieve him either wholly or partly, from his liability on such terms as it may think fit.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any wilful negligence, default, breach of duty, misfeasance or breach of trust on the part of any officer of the company, such officer of the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) "company" means any body corporate and includes a firm, a co-operative society or other association of individuals;

(b) "director" in relation to a firm means a partner in the firm;

(c) "Officer of the company" means the Managing Director, Director, Managing Agent, Secretary, Treasurer or Manager of the company and includes the office-bearers of a firm, co-operative society or other association of individuals; and

(d) "Officer of the company who is in default" means any officer of the company who is knowingly guilty of non-compliance, failure, or contravention of the provisions of this Act or the scheme or who knowingly and wilfully authorises or permits such non-compliance, failure or contravention.

21. *Power to recover damages.*—Where a fisherman or dealer or owner of a fishing vessel makes default in the payment of any contribution, the Board may recover from him damages not exceeding twenty-five per cent of the amount of arrear as they may think fit to impose.

22. *Protection acts done in good faith.*—No suit or other legal proceeding shall lie against any member of the Board or any other person in respect of anything which is in good faith done or intended to be done under this Act or under the scheme.

23. *Direction by Government.*—(1) The Government may, after consultation with the Board, give to the Board general directions to be followed by the Board.

(2) In the exercise of the powers and performance of its duties under this Act, the Board shall not depart from any general direction issued under sub-section (1) except with the previous permission of the Government.

24. *Power to order inquiry.*—(1) The Government may, at any time, appoint any person to inquire into the working of the Board and to submit a report to the Government.

(2) The Board shall give the person so appointed all facilities for the proper conduct of the inquiry and furnish to him such documents, accounts or information in the possession of the Board as he may require.

25. *Power to supersede the Board.*—(1) If, on consideration of the report under section 24 or otherwise, the Government are of opinion that the Board has persistently made default in the performance of the duties imposed on it by or under the provisions of this Act or the scheme or has exceeded or abused its powers, the Government may, by notification in the Gazette, supersede the Board for such period not exceeding six months as may be specified in the notification:

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification under subsection (1),—

(a) all the members of the Board shall, as from the date of such publication, vacate their offices as such members;

(b) all the powers and duties which may be exercised or performed by the Board shall, during the period of supersession be exercised or performed by such officer or officers as may be specified in the notification;

(c) all funds and other properties vested in the Board shall, during the period of supersession, vest in the Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Government shall reconstitute the Board in the manner provided in section 7.

26. *Power to make rules.*—The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

27. *Laying of rules and notifications before the Legislative Assembly.*—Every rule made under this Act and every notification issued under section 6 shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or notification or decides that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

SCHEDULE

[*See* section 3 (6)]

MATTERS FOR WHICH PROVISION MAY BE MADE IN THE SCHEME

1. The time and manner in which contribution to the fund shall be made by fisherman, dealer and owner of fishing vessels.

2. The manner in which the Board shall administer the fund, the manner in which accounts shall be kept, the investment of money belonging to the fund in accordance with any directions issued or conditions specified by the Government, the preparation of the budget, the audit of accounts and the submission of report to the Government.

3. The registers and records to be maintained with respect to fishermen, dealers and owners of fishing vessels.

4. The formula for fixing the amount to be credited to the account of each member of the fund.

5. The procedure for making grants or advances from the fund.

6. The procedure for and the conditions under which any deduction or forfeiture may be made and the maximum amount of such deduction or forfeiture.

7. The nomination of a person to receive the amount standing to the credit of a member after his death and the cancellation or variation of such nomination.

8. The form or design of any identity card, token or disc for the purpose of identifying any member of the fund, and for issue, custody and replacement thereof.

9. The fees to be levied for any of the purposes specified in this Schedule.

10. The purposes for which the fund may be utilised for the welfare of fishermen or their dependants.

11. The procedure for defraying the expenditure incurred in the administration of the fund.

12. Any other matter which is to be provided for in the scheme or which may be necessary or proper for the purpose of implementing the scheme.

STATEMENT OF OBJECTS AND REASONS

The fishermen belong to one of the weakest sections of our society. The reasons for the poor socio-economic condition of this section of society are manifold. During off season and lean months as well as on special occasions like marriage, death, religious and social functions, etc., in the families, the poor fishermen are forced to borrow heavily from local money lenders or owners of craft at exorbitant rates of interest. They often fail to clear off the accumulated debts with the result they are permanently indebted to the money lenders and also forced to sell away the fruits of their hard labour at the prices dictated by the money lenders. Due to the risky nature of their occupation they are prone to accidents. They are subjected to loss of houses and fishing implements due to natural calamities. There is need for providing adequate educational facilities and vocational training and for providing old age assistance to them.

2. To provide relief to some extent, the State Government have been, during the past, implementing various welfare schemes for the traditional fishermen, the main source of financing these schemes being the State Government funds. However it has been found to be extremely difficult to meet the requirements of the fishermen to a reasonable extent by solely depending on Government funds. It is therefore considered necessary to constitute a Welfare Fund for the promotion of the Welfare of the fishermen.

3. The Bill is intended for the above purpose.

FINANCIAL MEMORANDUM

Clause 3 of the Bill inter alia provides that there shall be credited to the Kerala Fishermen's Welfare Fund grants or loans or advances made by the State Government. Under this provision the Government may make grants or loans or advances. The expenditure to be incurred on this account cannot be estimated now.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub clause (3) of clause 1 of the Bill seeks to confer power on the Government to bring into force the provisions of the Act on such date as may be appointed; by notification in the Gazette. Clause 3 seeks to empower the Government to frame the Kerala Fishermen's Welfare Fund Scheme, by notification in the Gazette. Clause 6 seeks to empower the Government to add to, amend or vary the scheme framed under the Act. Sub Clause (1) of clause 7 seeks to empower the Government to constitute, by notification in the Gazette, the Kerala Fishermen's Welfare Fund Board. Under clause 8, the Government may specify the terms and conditions subject

to which the Board may be authorised to borrow money for the purpose of the scheme. Under clause 10, the Government may, by notification in the Gazette, remove any non-official member from office, in the circumstances specified in the said clause. Clause 14 seeks to confer power on the Government to exempt from the provisions of the Act, by notification in the Gazette, any dealer whose annual turn-over does not exceed Rs. 24,000 per annum, subject to such conditions as may be specified in the notification. Under clause 23 the Government may give general directions to the Board. Under clause 24, the Government may, at any time, appoint any person to enquire into the working of the Board and to submit a report. Clause 25 seeks to confer power on the Government to supersede the Board by notification in the Gazette for a period not exceeding six months. Clause 26 seeks to empower the Government to make rules for the purpose of carrying out the provisions of the Act.

2. The matters with respect to which the scheme may be framed or rules may be made or notification may be issued or direction may be given or order may be passed are matters of procedure and administrative in nature. Further, the rules when made and notification under section 6 when issued, will be subject to the scrutiny of the Legislative Assembly. Therefore, the delegation of legislative power is of a normal character.

K. KARUNAKARAN.

Government of Kerala
1984

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GOVERNMENT OF KERALA

Labour (E) Department

NOTIFICATION

G. O. Rt. No. 986/84/LBR. *Dated, Trivandrum, 21st July, 1984.*

S. R. O. No. 819/84.—Whereas the Government of Kerala are of the opinion that minimum rates of wages payable to the employees employed in the employment in Cinema Theatres should be fixed;

Now, therefore, in exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Government of Kerala, after giving notice of their intention to do so as required by the said section, hereby add the following employment to Part—I of the Schedule to the said Act, in its application to the State of Kerala, as item No. 45, namely:

"45. Employment in Cinema Theatres".

By order of the Governor,

U. MAHABALA RAO,

Commissioner and Secretary to Government.

33/3146/MC.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Government have decided to fix minimum wages in the employment in Cinema Theatres. Accordingly Government have decided to add this employment in the Schedule under Part—I to the Minimum Wages Act, 1948.

This notification is intended to achieve the above object.